

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

KELLY SLAYTON, KENNY LOUGHridge,)
DEANNA SHANNON, JIM GUNNELS, and)
GINA GUNNELS,)
Plaintiffs,)
v.) No. 06-3208-CV-S-FJG
FIRST HOME SAVINGS BANK,)
Defendant.)

ORDER

Pending before the Court is Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. No. 2). Defendant states that plaintiffs have not sufficiently pled ERISA claims that support federal question jurisdiction, and as the plaintiffs and defendant are all citizens of Missouri and there is no allegation that the amount in controversy exceeds \$75,000, there is no diversity jurisdiction. Plaintiffs respond, requesting that the Court dismiss the federal claim (Count IV) without prejudice and decline to exercise supplemental jurisdiction over the remaining state law claims. See Doc. No. 4.

Accordingly, defendant's motion to dismiss (Doc. No. 2) is **GRANTED**. Plaintiffs' Complaint is dismissed **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: August 7, 2006.
Kansas City, Missouri.